

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

JOHN ROBERT DEMOS
Washington DOC#287455

PETITIONER

VS.

4:12CV00802 BRW/JTR

UNITED STATES SECRETARY
OF DEFENSE

RESPONDENT

PROPOSED FINDINGS AND RECOMMENDED DISPOSITION

INSTRUCTIONS

The following recommended disposition has been sent to United States District Judge Billy Roy Wilson. Any party may serve and file written objections to this recommendation. Objections should be specific and should include the factual or legal basis for the objection. If the objection is to a factual finding, specifically identify that finding and the evidence that supports your objection. An original and one copy of your objections must be received in the office of the United States District Clerk no later than fourteen (14) days from the date of the findings and recommendations. The copy will be furnished to the opposing party. Failure to file timely objections may result in waiver of the right to appeal questions of fact.

If you are objecting to the recommendation and also desire to submit new,

different, or additional evidence, and to have a hearing for this purpose before the United States District Judge, you must, at the same time that you file your written objections, include a “Statement of Necessity” that sets forth the following:

1. Why the record made before the Magistrate Judge is inadequate.
2. Why the evidence to be proffered at the requested hearing before the United States District Judge was not offered at the hearing before the Magistrate Judge.
3. An offer of proof setting forth the details of any testimony or other evidence (including copies of any documents) desired to be introduced at the requested hearing before the United States District Judge.

From this submission, the United States District Judge will determine the necessity for an additional evidentiary hearing, either before the Magistrate Judge or before the District Judge.

Mail your objections and “Statement of Necessity” to:

Clerk, United States District Court
Eastern District of Arkansas
600 West Capitol Avenue, Room A149
Little Rock, AR 72201

I. Background

Petitioner, who is incarcerated at the Clallam Bay Corrections Center in Clallam Bay, Washington, had filed a § 2241 Petition for a Writ of Habeas Corpus. (Docket entry #1). He collaterally attacks his 1974 convictions in Washington state court for

robbery and assault. (Docket entry #1 at 1).

For the reasons discussed below, the Court recommends that the Petition be dismissed, with prejudice.

II. Discussion

Petitioner has stated no basis for this Court's habeas jurisdiction. *See Bell v. United States*, 48 F.3d 1042 (8th Cir. 1995) (habeas jurisdiction lies in the district with jurisdiction over the petitioner's "present custodian") (citing *Braden v. 30th Judicial Cir. Ct.*, 410 U.S. 484, 494 (1973)). Furthermore, Petitioner's filing is a flagrant attempt to circumvent his restricted filer status in other jurisdictions. *See Demos v. United States District Court*, 925 F.2d 1160 (9th Cir. 1991) (barring Petitioner, a "prolific litigant," from filing any further extraordinary writs directed to the District Courts for the Eastern and Western Districts of Washington); *Demos v. Glebe*, 2010 WL 1253532 (N.D. Okl. March 22, 2010) (unpublished) (noting that Petitioner has filed over a hundred successive habeas cases throughout the country attacking his Washington state convictions).

Under these circumstances, the Court recommends that the Petition be dismissed, with prejudice.

III. Conclusion

IT IS THEREFORE RECOMMENDED THAT the Petition for a Writ of

Habeas Corpus (docket entry #1) be DISMISSED, WITH PREJUDICE. IT IS FURTHER RECOMMENDED THAT a Certificate of Appealability be DENIED pursuant to Rule 11(a) of the Rules Governing Section 2254 Cases.

Dated this 7th day of January, 2013.


UNITED STATES MAGISTRATE JUDGE